IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
ORIGINAL JURISDICTION
Dated: Nainital: the 22nd day of February 2005
Bail application no. 150 **of 2005**
Order on the bail application of accused

CRIMINAL SIDE

Niru @ Nirankar S/o Shri B.S. Bhati
R/o Adarsh Nagar Roorkee
P.S. Kotwali Roorkee
District Haridwar .....Applicant

Versus

State of Uttaranchal ..Opposite Party

Arising out of Case Crime No. 384 of 2004
Under Sections 363, 366 and 376 I.P.C.
P.S. Kotwali Roorkee
District Haridwar

By the court

Hon'ble B.C. Kandpal, J.

The applicant has applied for bail in case crime No. 384 of 2004 under Sections 363, 366 and 376 P.S. Kotwali Roorkee, District Haridwar.

Heard Sri S.P.S. Panwar learned senior counsel appearing on behalf of the applicant, Sri Rajender Singh learned counsel for the complainant, learned A.G.A. and perused the record.

The statement of the prosecutrix shows that she went with the accused with her own will.

The medical examination report of the prosecutrix shows that her age was between 17 to 18 years at the time of the incident. There is no mark of injury on her private part, vagina admits two figures easily and hymen was torn.

Keeping in view of the statement of the prosecutrix and the manner in which the incident has taken place, I am of the view that without entering into the merit of the case, the applicant is entitled to be enlarged on bail at this stage.

Let the applicant Niru @ Nirankar be released on bail on his executing a personal bond and furnishing two sureties each in the like amount to the satisfaction of A.C.J.M. Roorkee.

22.02.2005 **(B.C. Kandpal, J.)**
ASWAL